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Attorney for Defendant
Melahat Rafiei

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
Plaintiff,)	Case No. 8:23-CR-006-
vs)	FLA
)	
MELAHAT RAFIEI,)	DEFENDANT' S
)	OBJECTIONS/CORRECTIONS
Defendant.)	TO THE PSR
)	
)	
)	

Defendant, MELAHAT RAFIEI, by and through her
attorney of record, Jennifer J. Wirsching hereby
submits her corrections/objections to the PSR.

Informal objections were sent via email to the
government and the PSR writer on July 8, 2025.

Defendant's Objections/Corrections to the PSR

Cover page Defense council name, and address should be updated to reflect:

Jennifer J. Wirsching

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Page 1 Defendant respectfully requests that Ms. Wirsching's recently changed contact information be updated to reflect that listed in ECF (as reflected above.)

Page 3 Defendant respectfully objects to the improper base offense level calculation of 12. The correct base offense level is 7.

Page 3 Defendant respectfully objects to the improper calculation of specific offense characteristics as 16. Specific offense characteristics correctly total 12.

Page 3 Defendant respectfully objects to the improper calculation of adjusted offense level as 28. The adjusted defense level should be 19.

Page 3 Defendant respectfully objects to the inclusion of a multiple count adjustment, which is inapplicable to this case. (See discussion in objection to ¶23 et. al. below for elucidation)

1 **Page 3** Defendant respectfully objects to the
2 incorrect calculation of the total offense level
3 as 24. Total adjusted defense level should be 14.

4 **Page 3** Defendant respectfully objects to the
5 incorrect guideline range of 51 to 63 months. The
6 correct guideline range should be 15 to 21 months.

7 **¶4** Defendant respectfully objects that she agreed
8 that "the court may consider uncharged conduct in
9 determining the applicable sentencing guideline
10 range" (emphasis added) There is no such language
11 in the plea. Such a statement is also inconsistent
12 with the express language of the plea in which the
13 parties agree that the base offense level is 7,
14 and at the loss amount is more than \$250,000 which
15 carries +12 points.

16 **¶22** Defendant respectfully objects to the use of
17 the 2023 guidelines manual. USSG § 1B 1.11 states
18 "the court shall use the guidelines manual in
19 effect on the date that the defendant is
20 sentenced." Defendant is set to be sentenced in
21 August 2025. At that time the guidelines manual in
22 effect will be the 2024 manual.

23 **¶23** Defendant respectfully objects to the
24 inclusion of uncharged conduct being used to
25 calculate a separate group. USSG §1.B1.2 is
26 inapplicable to this case.

 USSG §1B1.2(a) states "[h]owever, in the case of a
plea agreement . . . containing a stipulation that
specifically establishes a more serious offense
than the offense of conviction, determine the
offense guideline section in Chapter Two

1 applicable to the stipulated offense." (Emphasis
2 Added)

3 USSG §1B1.2 requires that the government and
4 defense included a stipulation in the plea
5 agreement that specifically sets out a more
6 serious offense than the charge plead to, and that
7 they included that stipulation because they
8 specifically intended USSG §1B1.2 to be employed.
9 The parties did not so stipulate, no stipulation
10 is included, and the parties did not intend for
11 USSG§1B1.2 to be employed.

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There is No Stipulation in the Plea Agreement
Regarding USSG 1B1.2

14 USSG §1B1.2(c) states "A factual statement or a
15 stipulation contained in a plea agreement (written or
16 made orally on the record) is a stipulation for
17 purposes of subsection (a) **only** if both the defendant
18 and the government **explicitly agree that the factual**
19 **statement or stipulation is a stipulation for such**
20 **purposes.** "(Emphasis Added)

19 There is no stipulation in the plea agreement to
20 any other offense. Beyond there being no stipulation
21 at all, there is no "explicitly stated" agreement that
22 the stipulation is there for the purpose of
23 establishing a basis for the use of USSG §1B1.2(c).
24 The parties in this matter did not contemplate, agree
25 nor stipulate to the use of USSG§1B1.2 in the plea
26 agreement, which is why any such are absent.
Therefore, USSG §1B1.2(c) is inapplicable in this
matter.

1 **¶24** Defendant respectfully objects to the
2 inclusion of this paragraph as it is irrelevant.
3 Please see discussion of objection to paragraph 23
4 above.

5 **¶25** Defendant respectfully objects to the
6 inclusion of this paragraph. As discussed above in
7 the objection to paragraph 23 there is no
8 stipulation included in the plea agreement. The
9 parties did not explicitly state that they
10 intended to be USSG 2B1.2(c) to be included. The
11 section is irrelevant to this matter.

12 **¶26** Defendant respectfully objects the inclusion
13 of this paragraph, as there is no pseudo count,
14 there is no stipulation to a pseudo count, there
15 is no explicit statement the parties intended for
16 USSG § 2B1.2(c) to be included.

17 **¶29-30** Defendant respectfully objects to the
18 inclusion of this specific offense characteristic.
19 The offense conduct did not include sophisticated
20 means. The conduct discussed in this paragraph is
21 standard conduct found in virtually all wire fraud
22 transactions. There should be no additional points
23 added for sophisticated means.

24 **¶35** Defendant respectfully objects to the
25 incorrect adjusted offense level of 21. As
26 discussed exhaustively above, the correct adjusted
27 defense level is 19.

28 **¶40** Defendant respectfully objects to the improper
29 addition of +4 points under USSG§2C1.1(b)(3).
30 Defendant was not convicted of any offense covered
31 by this section. Therefore, this specific offense

1 characteristic is inapplicable. As such, no points
2 should be added.

3 ¶45 Defendant respectfully objects to the improper
4 calculation of the adjusted offense level as 28.
5 As discussed exhaustively above, the correct
adjusted defense level is 19.

6 ¶46 Defendant respectfully objects to this
7 paragraph as it is completely inapplicable to this
8 case. Please see exhaustive discussions above as
9 to multiple count adjustment being inapplicable in
this matter.

10 ¶47 Defendant respectfully objects to the
11 inclusion of a "greater of the adjusted defense
12 levels." As discussed exhaustively above, there is
13 no basis in this matter for a multiple count
adjustment.

14 ¶48 Defendant respectfully objects to the
15 inclusion of this paragraph. As discussed above
16 exhaustively, there is no basis in this matter for
a multiple count adjustment.

17 ¶49 Defendant respectfully objects to the
18 inclusion of a "combined adjusted defense level."
19 As discussed exhaustively above there is no basis
20 in this matter for a multiple count adjustment.
21 The defendant respectfully objects to the
22 incorrect calculation of 29 points. Correct
calculation of the adjusted offense level is 19.

23 ¶54 Defendant respectfully objects to the
24 incorrect calculation of the total offense level
25 as 24. As discussed exhaustively above, the
inclusion of multiple count adjustment is
26

1 inapplicable in this matter. The correct total
2 offense level is 14.

3 **¶119** Defendant respectfully objects to the
4 incorrect calculation of an offense level of 24
5 and a resulting guideline range of 51 to 63 months
6 imprisonment. As discussed exhaustively above, no
7 multiple count adjustment is applicable in this
8 matter. The correct total offense level is 19.
9 With a criminal history category of I, the correct
10 guideline range is 15 to 21 months.

11 **¶120** Defendant respectfully objects to this entire
12 paragraph as inapplicable. As discussed
13 exhaustively above, there was no stipulation by
14 the parties, there was no stipulation filed by the
15 parties, nor any intent by the parties to invoke
16 USSG§2B1.1(b)(2). As such, multiple count
17 adjustment is an applicable to this matter.

18 **¶125** Defendant respectfully objects to this
19 paragraph.
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RESPECTFULLY,

_____/s/_____
Jennifer J. Wirsching
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Attorney for Defendant
Melahat Rafiei

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2025, I electronically filed the above '**DEFENDANT'S OBJECTIONS/CORRECTIONS TO THE PSR**' with the Clerk of Court using the CM/ECF system, which will send notification of such filings to counsel of record.

/s/ Jennifer Wirsching
Jennifer Wirsching
Attorney for Melahat Rafiei